

Green, LindaE

From: Chad Hutchison [Chad.Hutchison@akleg.gov]
Sent: Thursday, April 10, 2014 5:32 PM
To: FOIA HQ
Cc: Sen. John Coghill; Rynnieva Moss; Liz Williams; Hans Rodvik; Jordan Shilling
Subject: FW: Fee Waiver Determination EPA-R10-2014-005278
Attachments: A FW Ltr (JCoghill) 005278.pdf; FOIA - EPA - Bristol Bay - Signed Senator Coghill.pdf

"Under the FOIA, you have the right to appeal my determination to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), E-mail: foia_hq@epa.gov.

Dear Mr. Gottesman:

Senator Coghill formally appeals.

Our letter specifically stated: "The public interest is served by this anticipated records disclosure (because it is likely to contribute significantly to the public's understanding of EPA operations and activity). There is no primary commercial interest with this FOIA request."

In other words: It is our specific intent to disseminate the information to the general public.

Let me know if you have questions.

Thanks
Chad

This electronic message transmission contains information belonging to Senator John Coghill that is solely for the recipient named above and which may be confidential or privileged. SENATOR JOHN COGHILL EXPRESSLY PRESERVES AND ASSERTS ALL PRIVILEGES AND IMMUNITIES APPLICABLE TO THIS TRANSMISSION. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this communication is STRICTLY PROHIBITED. If you have received this electronic transmission in error, please notify us by telephone (907-465-6858 during session, and 907-451-2941 during interim) or by electronic mail (chad.hutchison@akleg.gov).

From: r10.foia@epa.gov [<mailto:r10.foia@epa.gov>]
Sent: Thursday, April 10, 2014 1:13 PM
To: Chad Hutchison
Subject: Fee Waiver Determination

04/10/2014 05:08 PM
FOIA Request: EPA-R10-2014-005278



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 9 2014

OFFICE OF
ENVIRONMENTAL INFORMATION

Mr. John Coghill
Alaska State Legislature
1292 Sadler Way, Suite 340
Fairbanks, AK 99701

RE: Request Number EPA-R10-2014-005278

Dear Mr. Coghill:

This is in response to your request for a fee waiver in connection with your Freedom of Information Act (FOIA) request for records regarding the Bristol Bay Assessment.

We have reviewed your fee waiver justification and based on the information you provided, we are denying your request for a fee waiver. You have not expressed a specific intent to disseminate the information to the general public. As a result of you failing to meet the above criteria, accordingly, there is no need to address the remaining prongs of the fee waiver criteria. If the estimated costs exceed \$25.00, EPA will contact you regarding the cost of processing your request and seek an assurance of payment. The agency will be unable to process your request until they receive your assurance of payment.

Under the FOIA, you have the right to appeal my determination to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), E-mail: foia_hq@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the EPA number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Should you choose to appeal this determination, please be sure to fully address all factors required by EPA's FOIA Regulations, located at 40 C.F.R. § 2.107 (1) in your appeal. If you have any questions, concerning this determination, please contact me at (202) 566-1667.

Sincerely,


Larry F. Gottesman
National FOIA Officer

Alaska State Legislature

Senate Majority Leader

Judiciary Committee

Chairman

In-State Energy Committee

Co-Chair

State Affairs Committee

Joint Armed Services Committee

Legislative Council

Rules Committee



Senator John Coghill

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State Capitol, Room 119
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March 27, 2014

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Regional Freedom of Information Officer
U.S. EPA Region 10
Office of External Affairs
1200 6th Avenue (CEC - 142)
Seattle, WA 98101

Re: Freedom of Information Act ("FOIA") Re: January 2014 Assessment of Potential Mining Impact on Salmon Ecosystems in Bristol Bay, Alaska (EPA 910-R-14-001ES)

Dear Honorable Sir or Ma'am:

This is Alaska State Senator John Coghill. I respectfully request, via the Freedom of Information Act ("FOIA")¹, the following records:

1. Any and all data collected as part of the agency's Bristol Bay ecological risk assessment.
 - a. This shall include all peer-reviewed and non-peer reviewed scientific analysis.
 - b. This shall include, but not be limited to, the alleged scientific analysis done in the January 2014 *Assessment of Potential Mining Impact on Salmon Ecosystems in Bristol Bay, Alaska* (EPA 910-R-14-001ES).
2. Any and all records related to "Pebble Mine" and/or "Bristol Bay" to Administrator Jackson and/or Administrator McCarthy regarding their communications with environmental non-governmental entities ("ENGOS") from 2010 to the present.
 - a. The records should also include records distributed on "alias" or secondary e-mail accounts such as the "Richard Sheldon" alias account used by Lisa Jackson.
3. Any and all records used to prepare Administrator Jackson or Administrator McCarthy for briefings on the Bristol Bay area or the Pebble Mine project.

¹ 5 U.S.C. 552 et seq.

- a. The records should also include records distributed on "alias" or secondary e-mail accounts such as the "Richard Sheldon" alias account used by Lisa Jackson.
4. Any and all records of gift disclosures to Administrator Jackson or Administrator McCarthy during their respective trips to Alaska (Administrator Jackson in 2010, Administrator McCarthy in 2013).
5. The daily calendar(s) for Administrator McCarthy from her 2013 trip to Alaska.
 - a. The calendar would begin from her first day of flight to Alaska to the last day of flight from Alaska.
6. Any and all records used to prepare Administrator McCarthy for her trip to Alaska. The relevant documents may be within 30 before her date of arrival and be within 90 days from her date of departure.
7. The daily calendar(s) for Administrator Jackson from her 2010 trip to Alaska.
 - a. The calendar would begin from her first day of flight to Alaska to the last day of flight from Alaska.
8. Any and all records used to prepare Administrator Jackson for her trip to Alaska. The relevant documents may be within 30 before her date of arrival and be within 90 days from her date of departure.
9. Any and all records from Administrator McCarthy and Administrator Jackson with the word "Alaska", "AK", "Pebble Mine", "Bristol Bay" or similar codeword for "Alaska", "AK", "Pebble Mine" or "Bristol Bay."
 - a. The relevant timeframe is 2010 to the present.
10. Any and all records sent to Administrator McCarthy and Administrator Jackson related to enforcement of the Clean Water Act Section 404(c) in Alaska.
11. Any and all records from the EPA's Office of Enforcement and Compliance Assurance, from the first day of the Obama Administration to the date of this FOIA, including, but not limited to, records created by Assistant Administrator Cynthia Giles, regarding enforcement and compliance with the Clean Water Act in Alaska.
12. Any and all records from the EPA's Office of Enforcement and Compliance Assurance from the first day of the Obama Administration to the date of this FOIA that contain the word "Alaska", "AK", "Pebble Mine" or "Bristol Bay" in them.
13. Any and all records from the EPA's Office of Enforcement and Compliance; and as a separate request from Region 10 of the EPA, from the first day of the Obama Administration to the date of this FOIA that contain the word "Alaska", "AK", "Pebble Mine" or "Bristol Bay" and relate to compliance or interpretation of the Clean Water Act.
14. Any and all records regarding the payment of travel or other costs for individual EPA employees that travelled to Bristol Bay in 2010 and 2013, including the costs of charter aircraft to conduct aerial surveillance.
15. Any and all guidelines the EPA is using, including guidelines that may be different from the document titled *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency*.

The form of the records should include, but not be limited to documents of any kind, including:

papers, books, accounts, letters, photographs, objects, tangible things, correspondence, telegrams, cable text messages, memorandum, notes, desk calendars, diaries, notations, work papers, intra and inter-office communications, intra and inter-departmental communications, communications to, between and among officers, agents, partners,

secretaries, or any other employees, transcripts, minutes, reports, and/or recording of telephone or other conversations, or interviews, or of committee meetings or of other meetings, affidavits, statements, summaries, opinions, reports, preliminary reports, studies, analogies, evaluations, insurance policies, contracts, licenses, agreements, balance sheets, income statements, questionnaires, answers to questionnaires, statistical records, appointment books, telephone logs, lists, tabulations, charts, graphs, maps, surveys, sound recordings, data sheets, computer tapes, discs, magnetic tapes, punch cards, computer printouts, data processing input and output, computer programs, computer program coding sheets, microfilms, e-communications, e-mail, text, all records kept by electronic photographic or mechanical means, and things similar to any of the foregoing, regardless of their author or origin, however denominated by it.

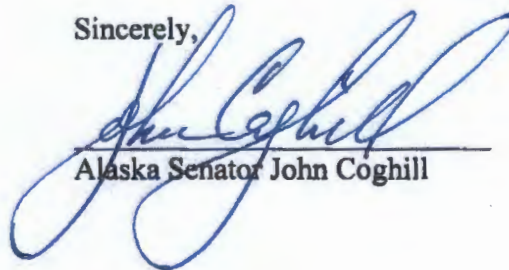
If the FOIA request is denied in whole or part, I expect the EPA to justify its decision, identify the withheld records, identify any privileges or immunities, and reference the specific exemptions claimed in the Act.

Fees associated with this FOIA request should be properly waived. The public interest is served by this anticipated records disclosure (because it is likely to contribute significantly to the public's understanding of EPA operations and activity). There is no primary commercial interest with this FOIA request.

The records are requested within twenty working days. If the records cannot be produced within twenty working days, I request that the EPA contact Chad Hutchison (chad.hutchison@akleg.gov) for an explanation of progress. Mr. Hutchison can also be contacted via phone: (907) 465-6858 or (907) 451-2157.

Your efforts on this matter are appreciated.

Sincerely,



Alaska Senator John Coghill

cc: Senator Lisa Murkowski
Senator Mark Begich
Congressman Don Young
Governor Sean Parnell
Attorney General Michael Geraghty

Green, LindaE

From: Troyer, Michael
Sent: Friday, April 11, 2014 3:17 PM
To: FOIA HQ
Subject: Mandatory FOIA Training completed FOIA2014 -nfm